



Docket No.: 230535US26

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/909,926

Applicants: Jean-Luc LEVEQUE

Filing Date: July 20, 2001

For: METHOD OF ACQUIRING AN IMAGE OF A NON-
DERMATOGLYPHIC ZONE OF THE SKIN OR OF A
ZONE OF THE HAIR BY MEANS OF ACQUISITION
APPARATUS INCLUDING A NON-OPTICAL
SENSOR

Group Art Unit: 3742

Examiner: Robinson, D.

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MAY 10 2004

TECHNOLOGY CENTER R3700

SIR:


Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JEAN-LUC LEVEQUE : EXAMINER: ROBINSON, D.
SERIAL NO: 09/909,926 :
FILED: JULY 20, 2001 : GROUP ART UNIT: 3742
FOR: METHOD OF ACQUIRING AN :
IMAGE OF A NON-DERMATOGLYPHIC
ZONE OF THE SKIN OR OF A ZONE OF
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RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action mailed April 7, 2004, Applicant respectfully elects Group III for examination, with traverse. Based on this election, it is submitted that at least claims 1-27, 31-46, 54, 57-65 and 67 should be examined.

Initially, with regard to the groupings, it is respectfully submitted that the groupings of the Office Action are not correct. First, the Office Action does not include claims 30 and 67 in any group. According to the groupings of the Office Action, apparently claim 30 should have been included in Group II, while claim 67 should have been included in Group III. Applicant further notes that the Office Action includes claims 47-53 in Group III, however, claims 47-53 depend, directly or indirectly, from claims 28 and 29, which are identified as in Groups I and II.

As noted above, at least claims 1-27, 31-46, 54, 57-65 and 67 should be examined in Group III.

The restriction requirement is further traversed in that the characterizations of the different claims or the basis for distinctness is incorrect, and moreover, no serious undue burden would be required in examining all claims together. For example, the claims of Group I and II are distinguished in that those of Group II are directed to a computer system. However, by way of example, claim 66 (of Group I) recites, as part of the assembly, a computer tool. Further, due to the related subject matter, it is submitted that a search and examination of all claims together would impose no serious undue burden. In this regard, it is also notable that the claims of Group I and III are identified as being classified in the same class, class 600.

In view of the foregoing, it is respectfully requested that all claims be searched and examined together. At a minimum, claims 1-27, 31-46, 54, 57-65 and 67 should now be examined.

Early and favorable action is earnestly solicited. If the Examiner deems that a telephonic or personal interview would be of assistance in advancing progress of this application, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone so that this application can be advanced toward allowance expeditiously.

Respectfully submitted,

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